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April 8, 2025

By ECF

Honorable Denise L. Cote, U.S.D.J.
 United States District Court
 Southern District of New York
 500 Pearl Street
 New York, NY 10007

*Can seal. The plaintiff
 shall re file by 4/15/25.
 Elise Bloom
 4/9/25*

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Re: Richardson v. National Basketball Association, et al., Civil Action No. 23-cv-06926 (DLC)

Dear Judge Cote:

We represent Defendants the National Basketball Association and NBA Services Corp. (together, “NBA” or “Defendants”) in the above-referenced matter. Pursuant to Section 8.B of this Court’s Individual Practice In Civil Cases, and this Court’s Orders dated March 3, 2025 and April 1, 2025 (ECF Nos. 85, 108), Defendants submit this letter-motion to respectfully request an order sealing certain sensitive and confidential information filed in support of Plaintiff’s Opposition to Defendants’ Motion For Summary Judgment (ECF Nos. 105-106.)¹

By way of background, on February 28, 2025, Defendants filed their Motion For Summary Judgment. (ECF Nos. 73-78.) Defendants also moved to seal certain sensitive and confidential information filed in support of their motion. (ECF No. 79.) Specifically, Defendants moved to seal: (i) private information concerning nonparties; (ii) Defendants’ confidential and/or proprietary business information; and (iii) material from the confidential Vaccination Exemption Board (“VEB”) arbitration hearing between the National Basketball Referees Association (the “NBRA”) and NBA Services Corp. (*Id.*) Defendants further requested that the Court permit redaction of any discussions related to these documents in Defendants’ Memorandum of Law, Defendants’ Rule 56.1 Statement of Undisputed Material Facts (“Defendants’ Rule 56.1 Statement”), and, as relevant here, in any subsequent briefing submitted in connection with Defendants’ motion. (*Id.*) On March 3, 2025, this Court granted Defendants’ motion to seal. (ECF No. 85.)

On March 31, 2025, Plaintiff filed opposition papers to Defendants’ Motion For Summary Judgment, including a memorandum of law, Responses to Defendants’ Rule 56.1 Statement, and Exhibits 17 through 29. (ECF Nos. 105-106.) Plaintiff filed his opposition papers entirely under seal, and stated in a letter filed with his papers that he “does not object to filing these papers under seal,” but “do[es] not understand which information and documents Defendants believe need to be hidden from view.” (ECF No. 103.)

¹ Defendants are not requesting that any information in Plaintiff’s opposition to Defendants’ Motion to Exclude The Opinions And Testimony of Dr. Harvey Risch (ECF No. 104) be filed under seal.



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Defendants seek to seal or redact limited information in Plaintiffs' opposition papers consistent with the categories of information that this Court previously ordered be sealed. (*See* ECF No. 85.) Specifically, Defendants respectfully request that the Court permit the following documents and testimony be filed under seal or with redactions:²

Documents Containing Confidential and/or Private Information Regarding Non-Parties

- Plaintiff's Memorandum Of Law In Opposition To Defendants' Motion For Summary Judgment (ECF No. 105);
- Plaintiff's Responses To Defendants' Rule 56.1 Statement (ECF No. 106);
- Exhibit 17 to Plaintiff's Responses To Defendants' Rule 56.1 Statement Of Undisputed Material Facts (ECF No. 106-1);
- Exhibit 19 to Plaintiff's Responses To Defendants' Rule 56.1 Statement Of Undisputed Material Facts (ECF No. 106-3);
- Exhibit 20 to Plaintiff's Responses To Defendants' Rule 56.1 Statement Of Undisputed Material Facts (ECF No. 106-4);
- Exhibit 21 to Plaintiff's Responses To Defendants' Rule 56.1 Statement Of Undisputed Material Facts (ECF No. 106-5);
- Exhibit 26 to Plaintiff's Responses To Defendants' Rule 56.1 Statement Of Undisputed Material Facts (ECF No. 106-10);
- Exhibit 28 to Plaintiff's Responses To Defendants' Rule 56.1 Statement Of Undisputed Material Facts (ECF No. 106-12); and
- Exhibit 29 to Plaintiff's Responses To Defendants' Rule 56.1 Statement Of Undisputed Material Facts (ECF No. 106-13).

Documents Containing Defendants' Confidential and/or Proprietary Business Information

- Exhibit 28 to Plaintiff's Responses To Defendants' Rule 56.1 Statement Of Undisputed Material Facts (ECF No. 106-12); and
- Exhibit 29 to Plaintiff's Responses To Defendants' Rule 56.1 Statement Of Undisputed Material Facts (ECF No. 106-13).

² Defendants have attached copies of the documents from Plaintiff's opposition papers that they are requesting be filed with redactions to the Declaration of Elise M. Bloom, filed herewith, with Defendants' proposed redactions highlighted.

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Documents Containing Non-Public Information Regarding The VEB Arbitration Hearing

- Plaintiff's Responses To Defendants' Rule 56.1 Statement (ECF No. 106).

* * *

Accordingly, Defendants respectfully request that the Court grant Defendants' motion to seal the materials set forth above. If Defendants' letter-motion to seal is granted, Defendants further request that Plaintiff be directed to re-file his opposition papers with redactions as described herein.

Respectfully submitted,

/s/ *Elise M. Bloom*

Elise M. Bloom

cc: All Counsel of Record (via ECF)